

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2013 DEC 16 PM 2:41

DEPUTY CLERK

EJB

JIMMY F. McHENRY, PRO SE,
TDCJ-CID No. 1811322,
Previous TDCJ-CID No. 1060917,

Plaintiff,

v.

2:13-CV-0228-J

STINNETT POLICE DEPARTMENT,
OFFICER DRENNAN ROGERS,
OFFICER PATRICK LAMBERT,
OFFICER JEREMIAH JAMES MASSENGIL,
CHIEF MARIE FABRO,
HUTCHINSON COUNTY SHERIFF'S
OFFICE,
FORMER SHERIFF GUY ROWH,
DEPUTY CODY HINDERS,
FORMER CAPTAIN KAREN LOPEZ,
AKA Karen Waters, and
HUTCHINSON COUNTY JAIL,

Defendants.

**ORDER GRANTING
MOTION FOR PROTECTIVE ORDER**

Before the Court for consideration is defendant DEPUTY CODY HINDERS' Motion and Brief for a Protective Order and Stay of Discovery filed December 5, 2013 and the Motion for Protective Order and Brief in Support filed December 4, 2013 by defendants STINNETT POLICE DEPARTMENT, OFFICER DRENNAN ROGERS, OFFICER PATRICK LAMBERT, OFFICER JEREMIAH JAMES MASSENGIL, and CHIEF MARIE FABRO, in their individual and official capacities.

By their motions, the movants point to plaintiff's requests for disclosure and production¹, for which the responsive deadline expires December 16, 2013. They also note plaintiff has requested a subpoena from the State Court directed to the United States District Clerk for production of specified documents from a previously dismissed case in this Court.

Movants argue a stay of discovery is appropriate, in part, to protect them from annoyance, embarrassment, oppression, or undue burden or expense. They further argue it should be granted because plaintiff's claims have not been screened for frivolousness, etc. under Title 28, United States Code, section 1915A or section 1915, and because there are multiple motions to dismiss the entire case pursuant to Rule 12(b)(1) and Rule 12(b)(6), Federal Rules of Civil Procedure, which should receive a ruling before discovery is allowed to proceed.

The Court further notes the instant cause was removed to federal court on November 18, 2013, and the period for a motion for remand has not expired.

Given the present stance of this case, it appears movants' Motion for Protective Order has merit and is, therefore, GRANTED.

All discovery is STAYED pending this Court's ruling on the outstanding issues identified above and/or issuance of a Scheduling Order.

IT IS SO ORDERED.

ENTERED this 16th day of December, 2013.


CLINTON E. AVERITTE
UNITED STATES MAGISTRATE JUDGE

¹See Exhibit A to defendant HINDERS' December 5, 2013 Appendix to his motion and the December 4, 2013 motion by the remaining movants at Appendix 1-12.